



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$115,496.74), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$1,966.05).

MEETING DATE: October 5, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation and various other cases being handled by Outside Counsel in the total amount of \$115,496.74, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$1,966.05 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn and Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water account (\$1,966.05). Deductions are reflected in parenthesis.

Folger, Levin & Kahn

Matter No.	Invoice No.	Date	Description	Total Amount
8002	90293	08/31/05	People v M&P Investments	\$31,860.13
8003	90294	08/31/05	Hartford Insurance Coverage Litigation	\$888.28
8006	90296	08/31/05	Fireman's Fund/Unigard Appeal	\$20,427.67
8008	90297	08/31/05	Envision Law Group	\$59,107.83
				<u>\$112,283.91</u>

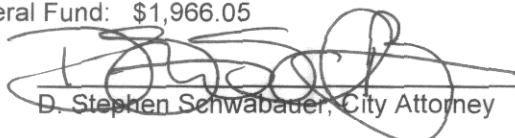
Kronick, Moskovitz, Tiedemann & Girard

Matter No.	Invoice No.	Date	Description	Total	Distribution	
				Amount	100351.7323	183453.7323
11233.021	221539	08/25/05	On-Site Litigation Support	1246.78		1246.78
11233.001	221540	08/25/05	General advice	657.10	657.10	
11233.026	221540	08/25/05	Lodi First v. City of Lodi	416.65	416.65	
11233.027	221540	08/25/05	Citizens for Open Govt.v.Col	892.30	892.30	
				<u>3,212.83</u>	<u>1,966.05</u>	<u>1,246.78</u>

FISCAL IMPACT: Expenses in the amount of \$1,966.05 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund (\$1,308.95 of this amount will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

FUNDING AVAILABLE: Water: \$113,530.69 General Fund: \$1,966.05

Approved: 
Jim Krueger, Finance Director


D. Stephen Schwabauer, City Attorney

APPROVED:


Blair King, City Manager



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$111,312.74), and Approval of Special Allocation Covering General Litigation Matter Expenses (\$1,909.05).

MEETING DATE: October 5, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation and various other cases being handled by Outside Counsel in the total amount of \$111,312.74, and approve Special Allocation for General Litigation Matter Expenses in the amount of \$1,909.05 to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn and Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Environmental Abatement Program litigation and various other cases that are currently outstanding and need to be considered for payment. A Special Allocation is required for those matters that are not to be paid out of the Water account (\$1,909.05).

Folger, Levin & Kahn

Matter No.	Invoice No.	Date	Description	Total Amount
8002	90293	08/31/05	People v M&P Investments	\$31,860.13 (3,032.00)
8003	90294	08/31/05	Hartford Insurance Coverage Litigation	\$888.28
8006	90296	08/31/05	Fireman's Fund/Unigard Appeal	\$20,427.67 (\$235.00)
8008	90297	08/31/05	Envision Law Group	\$59,107.83 (\$860.00)
				<u>\$108,156.91</u>

Kronick, Moskovitz, Tiedemann & Girard

Matter No.	Invoice No.	Date	Description	Total	Distribution	
				Amount	100351.7323	183453.7323
11233.021	221539	08/25/05	On-Site Litigation Support	1246.78		1246.78
11233.001	221540	08/25/05	General advice	657.10	657.10	
				(57.00)	(57.00)	
11233.026	221540	08/25/05	Lodi First v. City of Lodi	416.65	416.65	
11233.027	221540	08/25/05	Citizens for Open Govt.v.Col	892.30	892.30	
				3,155.83	1,909.05	1,246.78

FISCAL IMPACT: Expenses in the amount of \$1,909.05 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund (\$1,308.95 of this amount will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

FUNDING AVAILABLE: Water: \$109,403.69 General Fund: \$1,909.05

Approved: 
 Jim Krueger, Finance Director


 D. Stephen Schwabauer, City Attorney

APPROVED:


 Blair King, City Manager